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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,519	04/18/2000	Itai Kohavi	LILT 17.135	2712

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EXAMINER

DIXON, THOMAS A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/551,519

Applicant(s)

KOHAVI ET AL.

Examiner

Thomas A. Dixon

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MLW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies appear to be taken from previously rejected claims 24, 27, and 30 and are rejected as below.
2. Claims 33-36 have been added.

Drawings

3. The drawings are objected to because figure 11, item 1110 is cut off by a fold, item 1102, the word "request" is spelled incorrectly. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claims 33-35 are objected to because of the following informalities:
the claims refer to the "at least one product", but applicant has changed the base claim from at least one to at least two products.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103 that form the basis for the rejections under this section made in this Office action:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over

DeMarcken (6,377,932) in view of Acebo et al (6,923,679) further in view of Son (New York Daily News).

As per Claim 1.

DeMarcken ('932) discloses:

one or more offerings of products from one or more vendors, said offerings including at least one of: price, time restrictions, use restrictions, class, availability, rules and product descriptions, see figure 22 and column 3, line 59 and column 4, lines 39-46; computerized storage retaining said one or more offerings of products, see column 4, lines 1-16;

computerized intelligent compilation of packages comprising selected ones of said one or more offerings of products, each package based on a congruency matching criteria based on a congruency matching of defined restrictions and other criteria comprising any of: geographic distributions, time considerations, cost, intelligent agents, and distribution channel limitations, see figure 22;

computerized package cost determination including any of: summation of individual costs of products include in said compiled package, commissions, discounts, and special promotional items, see figure 25;

an interface for entering one or more search requests for possible packages, see figure 21; and

wherein said compilation is performed partially or wholly before said request for possible packages or interactively during said request, see column 58, line 48 – column 59, column 4.

DeMarcken ('932) does not specifically disclose the compilation including at least two distinct product types or that the defined restrictions for at least one product in a package depend on at least another product accepted in or excluded from the package.

Acebo et al ('679) teaches compiling two distinct product types and defined restrictions, see figure 3, for the benefit of providing full itinerary in one place for the benefit of customer convenience.

Son teaches that the defined restrictions for at least one product in a package depend on at least another product accepted in or excluded from the package, see abstract, in which a hotel room is included with an airfare package for the benefit of increasing customer loyalty to a particular distributor.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to compile two distinct product types in a package as

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taught by Acebo ('679) in view of Son for the benefit of increasing customer loyalty to a particular distributor.

As per Claim 2.

DeMarcken ('932) further discloses the products include one or more travel related items, see column 4, lines 61-67.

As per Claim 3.

DeMarcken ('932) further discloses the products include one or more airline seating, hotel rooms, car rentals, and auxiliary travel support items, see column 4, lines 61-67.

As per Claim 4.

DeMarcken ('932) further discloses the user searches for possible packages based on a match to desired criteria, see column 4, lines 33-38.

As per Claim 5.

DeMarcken ('932) further discloses a purchase option for a selected package, see column 5, lines 7-12.

As per Claim 6, 13.

DeMarcken ('932) further discloses booking actual reservations, see column 5, lines 7-12.

As per Claim 7, 10, 15, 18.

DeMarcken ('932) further discloses dynamically reformulates said compilation of packages based on the availability of said vendor offered products, see column 4, lines 46-49 and 61-67.

As per Claim 8, 11, 16, 23.

DeMarcken ('932) further discloses components located locally or remotely are connected by any of: computer-based networks, LANs, WANs, cellular, wireless, internet, WWW, satellite or other data/telecommunications based communication mediums, see column 4, lines 39-54.

As per Claim 9, 17.

DeMarcken ('932) discloses:

one or more offerings of products from one or more vendors, said offerings including at least one of: price, time restrictions, use restrictions, class, availability, rules or descriptions, see figure 22;

computerized storage retaining said one or more offerings of products, see column 4, lines 1-16;

computerized intelligent compilation of packages comprising selected ones of said one or more offerings of products, said compilation based on a congruency

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matching criteria comprising any of: geographic distributions, time considerations, cost, defined restrictions, intelligent agents, and distribution channel limitations, see figure 22;

computerized package cost determination including any of: summation of individual costs of products include in said compiled package, commissions, discounts, and special promotional items, see figure 25;

an interface for entering one or more search requests for possible packages, see figure 21;

a purchase option for a selected package, see column 5, lines 7-12;

a booking mechanism to finalize reservations, see column 5, lines 7-12.

DeMarcken ('932) does not specifically disclose the compilation including at least two distinct product types or that the defined restrictions for at least one product in a package depend on at least another product accepted in or excluded from the package.

Acebo et al ('679) teaches compiling two distinct product types and defined restrictions, see figure 3, for the benefit of providing full itinerary in one place for the benefit of customer convenience.

Son teaches that the defined restrictions for at least one product in a package depend on at least another product accepted in or excluded from the package, see abstract, in which a hotel room is included with an airfare package for the benefit of increasing customer loyalty to a particular distributor.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to compile two distinct product types in a package as taught by Acebo ('679) in view of Son for the benefit of increasing customer loyalty to a particular distributor.

As per Claim 12.

DeMarcken ('932) discloses:

retrieving one or more offerings of products from one or more vendors, said offerings including at least one of: price, time restrictions, use restrictions, class, availability, rules or descriptions, see figure 22;

retaining said one or more offerings of products in computer storage, see column 4, lines 1-16;

compiling travel packages comprising selected ones of said one or more offerings of products, said compilation based on a congruency matching criteria comprising any of: geographic distributions, time considerations, cost, defined restrictions, intelligent agents, and distribution channel limitations, see figure 22;

receiving one or more search requests for possible packages, see 4, lines 33-38 and figure 21;

presenting possible packages meeting a requestors criteria, see figure 22;

determining a total cost including any of: summation of individual costs of products include in said compiled package, commissions, discounts, and special promotional items, see figure 25;

processing payment of one or more selected package, see column 5, lines 7-12.

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DeMarcken ('932) does not specifically disclose the compilation including at least two distinct product types or that the defined restrictions for at least one product in a package depend on at least another product accepted in or excluded from the package.

Acebo et al ('679) teaches compiling two distinct product types and defined restrictions, see figure 3, for the benefit of providing full itinerary in one place for the benefit of customer convenience.

Son teaches that the defined restrictions for at least one product in a package depend on at least another product accepted in or excluded from the package, see abstract, in which a hotel room is included with an airfare package for the benefit of increasing customer loyalty to a particular distributor.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to compile two distinct product types in a package as taught by Acebo ('679) in view of Son for the benefit of increasing customer loyalty to a particular distributor.

As per Claim 14, 19.

DeMarcken ('932) further discloses said compilation is performed partially or wholly before said request for possible packages or interactively during said request, see column 58, line 48 – column 59, column 4.

As per Claim 20.

DeMarcken ('932) further discloses a requestor, see column 4, lines 33-38.

DeMarcken ('932) does not specifically disclose the requestors are travel agents, distributors or individual requestors.

Acebo et al ('679) teaches the requestors are travelers or agents, see figure 5 for the benefit of providing travel services.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made that the requestor of DeMarcken ('932) could be a traveler or an agent, as taught by Acebo et al ('679) for the benefit of providing travel services.

As per Claim 21.

DeMarcken ('932) further discloses selecting based on a query, which implies removing packages which do not meet the restrictions of the query, see column 4, lines 39-60.

As per Claim 22, 28.

DeMarcken ('932) does not specifically disclose the financial transaction mechanism includes a commission element.

Acebo et al ('679) teaches a commission element meeting a commission schedule of a distribution channel that issued the search request, see figures 5, 13 and 15 for the benefit of paying agents for their efforts on behalf of travelers.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include a commission element in the financial

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transaction mechanism of DeMarcken ('932) as taught by Acebo et al ('679) for the benefit of paying agents for their efforts on behalf of travelers.

As per Claim 23, 31.

DeMarcken ('932) further discloses dynamically reformulates said compilation of packages based on the availability of said vendor offered products, see column 4, lines 46-49 and 61-67.

As per Claim 24, 27, 30.

DeMarcken ('932) does not disclose the defined restrictions of the claim.

Son teaches that the defined restrictions for at least one product in a package depend on at least another product accepted in or excluded from the package, see abstract, in which a hotel room is included with an airfare package for the benefit of increasing customer loyalty to a particular distributor.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to take defined restrictions into consideration when planning a travel itinerary for for the benefit of increasing customer loyalty to a particular distributor.

As per Claim 25.

DeMarcken ('932) does not disclose the distributor's control of packages as claimed.

Son teaches that the defined restrictions for at least one product in a package depend on at least another product accepted in or excluded from the package, see abstract, in which a hotel room is included with an airfare package for the benefit of increasing customer loyalty to a particular distributor.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include/exclude certain products for the benefit of increasing customer loyalty to a particular distributor.

As per Claim 26.

DeMarcken ('932) further discloses requestor travel criteria includes one or more of: when, where, types of activities, price and luxury level, see column 4, lines 33-38.

As per Claim 29.

DeMarcken ('932) discloses:

determining available travel products from an inventory, based on any of: historical data, price, class, demand, time before use, type, see figure 22;

offering said determined travel products to a centralized travel packaging system, located across computer based networks, LANs, WANs, cellular, wireless, Internet, WWW, satellite, or other data/telecommunications based communication mediums, see column 4, lines 39-54;

receiving confirmed reservations from said centralized travel packaging system, said reservations included in one or more selected travel packages stored within a

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travel packages database as determined by intelligent matching and compilation mechanism retained within said travel packaging system, see column 5, lines 7-12;

wherein said uncommitted travel products are committed by acceptance of said actual reservations, , see column 5, lines 7-12;

DeMarcken ('932) does not specifically disclose the compilation including at least two distinct product types or that the defined restrictions for at least one product in a package depend on at least another product accepted in or excluded from the package.

Acebo et al ('679) teaches compiling two distinct product types and defined restrictions, see figure 3, for the benefit of providing full itinerary in one place for the benefit of customer convenience.

Son teaches that the defined restrictions for at least one product in a package depend on at least another product accepted in or excluded from the package, see abstract, in which a hotel room is included with an airfare package for the benefit of increasing customer loyalty to a particular distributor.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to compile two distinct product types in a package as taught by Acebo ('679) in view of Son for the benefit of increasing customer loyalty to a particular distributor.

As per Claim 32.

DeMarcken ('932) further discloses said centralized travel packaging system receives two or more of said determined travel products from a plurality of travel product vendors, see figure 23 (384).

As per Claim 33.

DeMarcken ('932) further discloses the defined restrictions for the at least one product in the package are defined by the one of the two or more vendors offering the at least one product, see figure 4a (86).

As per Claim 34.

DeMarcken ('932) does not specifically disclose a product is offered by another one of the two or more vendors.

Acebo et al ('679) teaches compiling two or more products offered by 2 different vendors, see figure 3, for the benefit of providing full itinerary in one place for the benefit of increasing customer loyalty to a particular distributor.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to offer products in a package by different vendors as taught by Acebo ('679) for the benefit of increasing customer loyalty to a particular distributor.

As per Claim 35.

DeMarcken ('932) does not specifically disclose the defined restrictions for the package are defined by a distributor of the compiled package.

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Son teaches the distributor of the package defining the restrictions, see abstract, for the benefit of increasing customer loyalty to a particular distributor.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to define the restrictions by the distributor of the package as taught by Acebo ('679) in view of Son for the benefit of increasing customer loyalty to a particular distributor.

As per Claim 36.

DeMarcken ('932) does not specifically disclose the cost is displayed as a total sum of individual costs, commissions, discounts and special promotional items without a breakdown of individual costs, commissions, discounts and special promotional items.

Sun teaches that it is well known in the travel industry to display a package cost as a total sum of individual costs to mask the discounting party in a package for the benefit of maintaining the valuable impression of quality of premium products.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to display the package cost as a total sum of individual costs to mask the discounting party in a package for the benefit of maintaining the valuable impression of quality of premium products.

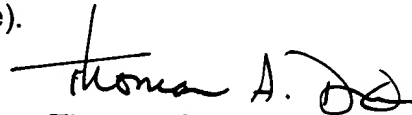
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas A. Dixon
Primary Examiner
Art Unit 3629

May 6, 2004